

## **REMARKS/ARGUMENTS**

### **I. Concerning the Amendments**

No amendments are presented.

### **II. Concerning the Rejection under 35 U.S.C. 102**

Claims 1, 2, 4-6, 8, 9 and 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by Rochelle "as evidenced by Fujii et al."

Rochelle is not a reference under 35 U.S.C. 102(e), as it is not a patent or a published application for a patent. Reconsideration and withdrawal of this rejection is respectfully requested.

### **III. Concerning the Status of Rochelle as Prior Art**

Even though Rochelle is not prior art under 35 U.S.C. 102 (e), Examiner may believe that Rochelle may be a reference under 35 U.S.C. 102(a), as Rochelle may be a publication printed in this country possibly prior to the date of Applicants' patent application.

Rochelle on its face indicates it was prepared for a poster session that began on May 5, 2003.

The present application was filed in the USPTO on January 20, 2006 as a 371 of a PCT application filed at the US Receiving Office on June 21, 2004 that claimed priority to a US provisional application filed on July 22, 2003.

Applicants believe Rochelle is not a reference under 35 U.S.C. 102(a), as Rochelle was not published before the invention of the present application was invented. As specified in the attached declaration under 37 CFR 1.131, the inventors of the present application were in possession of, and had reduced to practice, the invention of the subject application prior to May 5, 2003. Therefore, Applicants believe that Rochelle is not 35 U.S.C. 102(a) prior art to the subject application.

### **IV. Concerning the Rejections under 35 U.S.C. 103**

Claims 3, 10, 12, and 14-16 stand rejected under 35 U.S.C. 103(a) as being obvious over Rochelle alone.

Claims 7 and 11 stand rejected under 35 U.S.C. 103(a) as being obvious over Rochelle in view of Asprion et al., (hereinafter Asprion).

As stated hereinabove, Rochelle is not prior art. Reconsideration and withdrawal of the rejections is respectfully requested.

V. Conclusion

For the foregoing reasons, reconsideration of the claims and passing of the application to allowance are solicited.

Respectfully submitted,

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